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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,964	01/31/2005	Uwe Hendrich	PC10503US	6918

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EXAMINER

KRAMER, DEVON C

ART UNIT PAPER NUMBER

3683

DATE MAILED: 04/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/522,964	Applicant(s) HENDRICH ET AL.	
	Examiner Devon C. Kramer	Art Unit 3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 10-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/31/05</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

- 1) Claims 17-23 are objected to because of the following informalities:

Claim 17 line 3, "the hydraulic circuit" should be --a hydraulic circuit--;

Claim 18 line 4 and claim 21 line 4, "the hydraulic connection" should be --a hydraulic connection--;

Claim 18 line 3, "the hydraulic circuit" should be --a hydraulic circuit--.

Please note that the claims are replete with antecedent basis errors and claim objections. The above are just a few examples of the numerous errors.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

- 2) The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 3) Claims 11-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 recites, "the second actuating device is acting on both sides". Please note that this is unclear because the claim does not recite on what both sides the actuating device acts.

Claims 13-16 are not clear because applicant states that the caliper is floating and fixed. It is unclear how the brake can be arranged this way.

Claims 18 and 21 recites the limitation "the two pistons" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 19 and 22 recites the limitation "the first piston" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 19 and 22 recites the limitation "the second piston" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 20 recites the limitation "the connection" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Please note that the claims are replete with antecedent basis errors and claim objections. The above are just a few examples of the numerous errors.

Claim Rejections - 35 USC § 102

4) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5) Claims 10-11, 13-16 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Merry et al (6044935).

In re claims 10 and 24, Merry et al provides a disc brake having at least two friction rings (13, 16) which, at an axial distance from each other, are stationarily arranged on a rotatable hub (figure 2), with brake pads (140, 150, 170, 180) associated with each friction ring and being displaceably arranged on both sides of the friction ring, comprising a brake caliper (50) straddling all friction rings and the associated brake

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pads and including a first actuating device (24) in at least one brake caliper portion that extends axially beside the friction rings, and a second actuating device (27) that is arranged between two friction rings, is acting axially at least on one side and acts on at least one brake pad arranged between two friction rings.

In re claim 11, please note that the way in which the invention is claimed, the structure in between the two brake pads can be considered the second actuator. Please note that the structure in between in addition to the piston acts on the internal brake pads.

IN re claim 13-16, Merry et al teaches a floating caliper where the second actuator is fixed to the caliper.

6) Claims 10-12 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Filderman (4064974).

In re claims 10 and 24, Filderman provides a disc brake having at least two friction rings (17, 18) which, at an axial distance from each other, are stationarily arranged on a rotatable hub (19), with brake pads (28, 34, 38, 43) associated with each friction ring and being displaceably arranged on both sides of the friction ring, comprising a brake caliper (figure 2) straddling all friction rings and the associated brake pads and including a first actuating device (41) in at least one brake caliper portion that extends axially beside the friction rings, and a second actuating device (36, 32) that is arranged between two friction rings, is acting axially at least on one side and acts on at least one brake pad arranged between two friction rings.

In re claim 11, elements 32 and 36 act on two brake pads and can be considered a second actuator.

In re claim 12, Filderman teaches a fixed caliper.

7) Claims 10-18, 20, 21 and 23-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Newstead (3448831).

In re claims 10-12, Newstead provides a disc brake having at least two friction rings (52, 53) which, at an axial distance from each other, are stationarily arranged on a rotatable hub, with brake pads associated with each friction ring and being displaceably arranged on both sides of the friction ring, comprising a brake caliper (20) straddling all friction rings and the associated brake pads and including a first actuating device (66) in at least one brake caliper portion that extends axially beside the friction rings, and a second actuating device (55) that is arranged between two friction rings, is acting axially at least on one side and acts on at least one brake pad arranged between two friction rings.

In re claims 13-16, Newstead teaches a caliper which is floating.

IN re claim 17, Newstead teaches two pistons (55) limiting a working chamber.

In re claims 18 and 21, see figure 2A.

In re claims 20 and 23-24, please note that portion 20 of caliper is formed of one cast piece.

Claim Rejections - 35 USC § 103

8) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9) Claims 19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newstead (3448831).

In re claims 19 and 22, Newstead lacks the teaching of the first piston being shorter than the second piston.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the first piston of Newstead to be shorter than the second piston as a design choice and based on the distance between the two discs.

Conclusion

10) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Margetts et al teaches a multi-disc brake.

11) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devon C. Kramer whose telephone number is 571-272-7118. The examiner can normally be reached on Mon-Fri 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on (571)272-6786. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Devon C Kramer
Primary Examiner
Art Unit 3683

DK

DEVON C. KRAMER
PATENT EXAMINER

Devon
4/26/08